

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD LUGO,

Defendant.

Case No. 2:11-cr-00299-LDG (GWF)

ORDER

The government moves (#44) pursuant to Fed. R. Crim. Pro. 35(b)(1) to reduce defendant Edward Lugo's sentence by three months, from 21 months to 18 months, to reflect the defendant's additional assistance provided in the related case of *United States v. Markham*, 2:14-cr-00388-JCM (GWF). The defendant has filed a notice of joinder to the motion (#46), but docketed the notice as a motion. To the extent the defendant docketed the notice as a motion, the Court will deny the motion. To the extent the defendant's notice constitutes a response to the government's motion, the defendant agrees that a reduction is appropriate, but argues for a greater departure to avoid unwarranted disparity in sentencing, a basis not supported in considering a motion pursuant to Rule 35(b)(1).


Having considered the record and the arguments of the parties,

THE COURT **ORDERS** that Defendant's Motion for Joinder (#46) is DENIED.

1 THE COURT **FURTHER ORDERS** that the United States' Motion for Reduction of
2 Sentence Pursuant to Fed. R. Crim. P. 35(b)(1) (#44) is GRANTED;

3 THE COURT **FURTHER ORDERS** that the defendant's previously imposed
4 sentence of imprisonment (as reflected in the last judgment issued) of **21 months** is
5 reduced to **18 months**. Except as otherwise provided, all provisions of the judgment dated
6 May 15, 2015, shall remain in effect.

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8 DATED this 10 day of December, 2015.

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11 Lloyd D. George
12 United States District Judge
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